

### REMARKS

This is in response to the Office Action dated October 20, 2005. The pending claims are claims 14-18 and 22-26.

Claim 14 is amended herein to recite "leather fibers, hair or silk" rather than "animal fibers." Support for the amendment may be found, for example in the Specification at page 5, lines 16-17. No new matter is added.

The Office Action rejects claims 14-18 and 22 under 35 U.S.C. §102(b) as allegedly anticipated by Datcoop. The Office Action states that the reference discloses thermoplastic compositions comprising either rubber waste or leather fibers with a tenside surfactant. The Office Action asserts that comparative examples in the reference do not include the tenside components and are therefore encompassed by the instant claims. Applicants respectfully disagree.

A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (*Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

The passage relied upon by the Examiner (p. 13, lines 8-14) refers to Figures (which appear to never have been published). The Figures are said to show electron micrographs of products of the invention and "known products." The Figure Legends at page 12, lines 32-35 through page 13, lines 1-7 indicate that a known composition was tested and an identical composition containing tenside was tested. However, it is not stated what the composition of the "known" products were specifically. It is unclear whether such compositions without tenside would meet each and every limitation of the instant claims. Further, the drawings themselves appear not to have been published. Thus, one cannot glean any information from the drawings as to the specific compositions tested either. Since the specific compositions are not set forth, it cannot be determined whether the compositions meet each and every limitation of the claims. Thus, such an unclear disclosure cannot anticipate the instant claims.

Withdrawal of the rejection is respectfully requested.

The Office Action further rejects claims 14-18 and 22-23 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 4,552,909 to Czerwinski ("Czerwinski"). The Office

Action alleges that Czerwinski anticipates the claims because it teaches thixotropic compositions comprising a liquid material and leather fibers where polyvinyl acetate and other thermoplastics are taught as liquid coating composition binders.

The term "thixotropy" refers to the ability of certain colloidal gels to liquefy when agitated and return to the gel form when at rest (see Hawley's Condensed Chemical Dictionary, p. 1098 (a copy is enclosed for the Examiner's convenience)). This property is clearly different from the "thermoplastic properties of the compounds of the instant claims. For thixotropic compositions, the viscosity is a parameter that depends on the *mechanical* energy applied to the system (*i.e.*, agitation = low viscosity, rest = high viscosity), whereas in thermoplastic compositions, the viscosity is a parameter that depends on the *thermal* energy applied to the system (*i.e.*, heat = low viscosity; no heat = high viscosity). Thus, it is apparent that the compositions of the instant claims are different from those disclosed by Czerwinski by at least one fundamental parameter (thermoplastic vs. thixotropic properties). Although single components of the compositions may be similar or identical, as stated by the Examiner, this does not result in an overlap in the final compositions as instantly claimed.

Withdrawal of the rejection is respectfully requested.

The Office Action also rejects claims 14-17, 19 and 23 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,723,522 to Bergmann ("Bergmann"). According to the Office Action, Bergmann teaches a plastic material modified with fiber fillers. The compositions are 0.01-20 parts fiber (which may be animal fibers) mixed with 100 parts plastic material. The polymer matrices include both thermoplastic and elastomeric styrene-butadiene copolymers. The only animal fiber defined to be useful in the composition is wool (see col. 5, lines 61-67). Claim 14 has been amended herein to recite "leather fibers, hair or silk" rather than "animal fibers." Thus, Bergmann does not anticipate the claims as amended.

Withdrawal of the rejection is respectfully requested.

The Office Action also rejects claim 24 under 35 U.S.C. §103(a) as obvious over Czerwinski in view of K  chler *et al.* ("K  chler"). The Office Action applies Czerwinski as teaching the claimed composition but lacking the teaching of a manufacturing process. The Examiner takes the position that it would be obvious to employ the methods of K  chler to form the materials with improved damping properties. However, as shown above in the discussion of Czerwinski, the instant claims distinguish over the compositions of Czerwinski.

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Thus, the means of manufacture to produce a different composition do not render the claims obvious. One of skill in the art would have no motivation to combine the teachings of Czerwinski and K  chler to arrive at the method of claim 24. One would have no reasonable expectation of success, as the compositions made in the claimed invention differ from the compositions of Czerwinski.

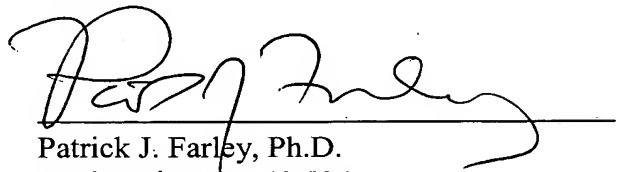
Withdrawal of the rejection is respectfully requested.

The Office Action also rejects claims 25-26 under 35 U.S.C.  103(a) as obvious over Czerwinski in view of Toyota. The Office Action applies Czerwinski as in the anticipation rejection and concedes that Czerwinski fails to mention a hot-melt film to form leather laminates. The Office Action applies Toyota for the teaching the use of hot-melt films to form leather laminates. The Examiner takes the position that it would be obvious to employ Toyota's article-forming method to form leather articles having improved appearance while having improved mechanical strength. However, as shown above in the discussion of Czerwinski, the instant claims distinguish over the compositions of Czerwinski. Thus, the article-forming method of Toyota would arrive at a different product than instantly claimed. One of skill in the art would have no motivation to combine the teachings of Czerwinski and Toyota to arrive at the articles of the instant claims or methods of coating a substrate (and no reasonable expectation of success in doing so) as the instant compositions of claim 14 differ from the compositions of Czerwinski.

Withdrawal of the rejection is respectfully requested.

Applicants earnestly submit that the claims are in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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